IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH APRIL 2007 / 7TH VAISAKHA 1929

Crl.MC.No. 1249 of 2007()

CC.173/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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PETITIONER/ ACCUSED NO.2

S.ARUNKUMAR, S/O.SURYAKUMAR, AGED 26 YEARS, NO.64,HOUSING UNIT,COLLEGE ROAD, TIRUPUR.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS/ COMPLAINANT

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.BENJAMIN PAUL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl.M.C. NO.1249 OF 2007.

DATED THIS THE 27th DAY OF APRIL, 2007.

ORDER

Petitioner who is the 2nd accused in CC.No.173 of 2006 on the file of the Judicial First Class Magistrate's Court, Palakkad with respect to the offences under Section 323, 341, 498A, 294(b) r/w. Section 34 of IPC has sought for a direction to the court below that there may not be an order of pre-trial detention at the time of his appearance. It was submitted that he could not appear before the court as he has not received summons.

2. In the circumstances, the petitioner is directed to surrender before the court below within two weeks from today and file an application for bail. Non-bailable warrant is not to be executed in the meantime. Pre-trial detention is not required. The court below shall as far as possible dispose of the application for bail, to be filed on the date of appearance of the petitioner itself. The Crl.M.C. is disposed of accordingly.

K.R.UDAYABHANU.
JUDGE.

kvs/-